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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,404	11/03/2003	Lou Blasetti	70869-0066C	2868
22902	7590	10/29/2004	EXAMINER	
CLARK & BRODY 1750 K STREET NW SUITE 600 WASHINGTON, DC 20006			KIM, SUN U	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,404

Applicant(s)

BLASETTI, LOU

Examiner

John Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Applicant's election of Group I (claims 1-11 and 18-21) in the reply filed on 9/1/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 12-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse as described in above paragraph in the reply filed on 9/1/04.

3. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number. Missing information is that U.S. Application No. 09/509,545 is a 371 of PCT/US98/21626 filed 10/16/98 which claims benefit of U.S.

Provisional Application No. 60/062,264 filed 10/17/97.

4. Applicant is reminded of the proper content of an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph **on a separate sheet** within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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New abstract on a separate sheet is required.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-11 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,707,331 (Wells et al) in view of U.S. Patent No. 5,589,462 (hereinafter referred to as Patat et al). Wells et al teach a method of isolating fibrinogen concentrate comprising the steps of obtaining plasma from whole blood by centrifugation, adding fibrinogen precipitating agent including known polyethylene glycol or ammonium sulfate to plasma, recovering fibrinogen concentrate from plasma by centrifugation (see abstract; col. 1, lines 47-50; col. 2, line 44 - col. 3, line 27; col. 5, line 15 - col. 6, line 4). Wells et al further teaches separation of fibrinogen via cryoprecipitation of plasma (see col. 6, lines 5-33). Claims 1-4, 6-11 and 18-21 essentially differs from the method of Wells et al in reciting that initial plasma is platelet rich plasma (PRP). Patat et al teach a method of obtaining fibrinogen from cryoprecipitate derived from PRP which is obtained by centrifuging whole blood (see abstract; col. 4, lines 13-54). Patat et al further teach that initial product, PRP, retains numerous platelet factors including platelet derived growth factor or PDGF in cryoprecipitate and the PDGF concentration factor in the cryoprecipitate is generally greater than 10 (see col. 2, lines 47-63) and the recovered fibrinogen concentrate contains platelet factors in sufficient quantity to confer on it mitogenetic properties (see col. 3, lines 64-67). It would have been obvious to a person of

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ordinary skill in the art at the time the invention was made to modify the method of Wells et al to precipitate fibrinogen out of PRP instead of platelet poor plasma to obtain improved fibrinogen concentrate having PDGF to promote cicatrization as suggested by Patat et al (see col. 2, lines 21-24).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al in view of Patat et al as applied to claim 4 above, and further in view of U.S. Patent No. 4,985,153 (Kuroda et al). Claim 5 essentially differs from the method of Wells et al in view of Patat et al in reciting the step of subjecting blood to a force of about 580G for about three minutes to obtain PRP. Kuroda et al teach that PRP is obtained by centrifuging blood under gentle conditions that is at 1100G for 5 to 6 minutes or at 300G for 15 to 20 minutes (see col. 10, lines 18-22). It would have been obvious to a person of ordinary skill in the art to modify the method of Wells et al in view of Patat et al to obtain PRP by modifying the centrifugation force and processing time to obtain PRP as suggested by Kuroda et al.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References in PTO-892 have been cited in the parent application no. 09/509,545.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (571) 272-1142. The examiner can normally be reached on weekdays from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Kim
Primary Examiner
Art Unit 1723

J. Kim
October 28, 2004